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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,817	04/13/2000	Hidetoshi Endo	P/3241-12	7762
2352	7590	01/27/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HENN, TIMOTHY J	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/548,817

Applicant(s)

ENDO ET AL.

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-11,13-16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,11,13-16 and 18 is/are allowed.
- 6) ☒ Claim(s) 2-4 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see amendment, filed 14 September 2004, with respect to claims 10, 11, 13-16 and 18 have been fully considered and are persuasive. The rejection of claims 10, 11, 13-16 and 18 has been withdrawn.
2. Applicant's arguments filed 14 September 2004 have been fully considered but they are not persuasive.

Regarding claim 19 the applicants argue that Guichard fails to disclose a "viewfinder operative to display an image of the field of view of a television camera". However, as the applicant recognizes Guichard is concerned with videophone like systems in which a display shows the field of view of a remote camera (i.e. "a television camera" as claimed). Claim 19 as written does not require the viewfinder to display an image of the field of view of the camera to which it is attached, but rather requires a display of the field of view of a (i.e. any) television camera. Therefore, the applicants arguments with respect to claim 19 is not considered persuasive.

Claim Objections

3. Claim 10 is objected to because of the following informalities: Change "panning and/or tiling" to "panning and or tilting" on line 8 of claim 10. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 19 and 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guichard (US 5,357,870) in view of Tomitaka (US 5,430,809).

[claim 19]

Regarding claim 19, Guichard discloses a television camera viewfinder system comprising: a viewfinder operative to display the field of view of a television camera (e.g. a remote camera from another user's videophone system; Figure 1, Item 20); a mounting mechanism for movably supporting the viewfinder (Figure 1); and a viewfinder control system, said control system comprising: an image pickup device (Column 3, Lines 24-30) for picking up a face of a television camera operator ; and a control device for training the viewfinder on the face of the television camera operator (e.g. Column 4, Line 52 - Column 5, Line 2). However Guichard does not disclose the specifics of how the tracking control system works.

However, human face tracking systems which use the output from image pickup devices to enable tracking are well known in the art, one such example can be found in Tomitaka. Tomitaka teaches a system which uses of the output from an image pickup device to position a camera on the face of a target (e.g. Figure 1; Column 2, Line 65 - Column 3, Line 34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a well known tracking system such as the one described in Tomitaka to enable automatic tracking control as suggested by Guichard et al. to keep the operator in the restricted visibility cone of the viewfinder's display device

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and so as not to disturb the shooting operation carried out by the camera (Column 4, Lines 52-68).

[claim 2]

Regarding claim 2, note that Guichard et al. discloses the use of a camera or “image pickup device” on the same plane as the LCD display “viewfinder” device (Column 3, Lines 15-31) which would inherently be used for the input to the human face tracking system of Tomitaka which uses a camera to detect a particular color portion of an object (i.e. face color).

[claim 3]

Regarding claim 3, note that the detecting means of Tomitaka detects skin colors or “flesh colors” (Abstract) of a subject to be tracked.

[claim 4]

Regarding claim 4, note that the display device or “viewfinder” of Guichard et al. uses a LCD (Column 4, Line 52 – Column 5, Line 2).

Allowable Subject Matter

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 5 and 6]

In regard to claims 5 and 6, the prior art does not teach or fairly suggest a viewfinder sensor for detecting the location of an accessory worn by a television camera operator, wherein the viewfinder sensor is rotatably attached to the viewfinder.

[claim 7]

In regard to claim 7, the prior art does not teach or fairly suggest a viewfinder control unit further comprising a storing means for storing information on a preset position of a viewfinder and a preset control means for returning the viewfinder to the preset position in accordance with the information on the preset position in the storing means.

7. Claims 9-11, 13-16 and 18 are allowed.

[claim 9]

In regard to claim 9, the prior art does not teach or fairly suggest a viewfinder control unit as claimed in claim 19 which controls a viewfinder such that the viewfinder which is always trained on the face of a television camera operator independently of panning and/or tilting of the television camera.

[claims 10, 11, 13-16 and 18]

In regard to claims 10, 11, 13-16 and 18 the prior art does not teach or fairly suggest a viewfinder system attached to a television camera wherein the viewfinder displays an image of the field of view of the television camera and an image pickup device, calculation circuit and control circuit cooperate to pan/tilt the viewfinder to be in line with a central position of the face of the television camera operator as claimed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
1/11/2005


TUAN HO
PRIMARY EXAMINER